

The claims have been amended in an attempt to overcome the rejections of the previous rejection.

Claims 15-21 are withdrawn from consideration as being directed to a separate invention. The positive recitation of a spray arm is recited in claim 15 is directed to a combination claim with incorporates the washing machine and is not part of the original invention

Claims 1,2, 4-7, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the relationship of the structures to the function is unclear. Likewise, in claim 3 the recitation " unused volumes" is unclear. In general the elements and their relationship to one another which make up this invention are not clearly described with sufficient clarity and antecedent basis to enable one of ordinary skill in the art to make and use this invention. In claim 1, the recitation in the last two lines of the claim is unclear. "a base plane formed by the base of basket and the bottom part form an unused volume the one or more drawers" makes no sense.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 4-7, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over AEG Hausgeraete EP1072221 A1. Hausgeraete teaches a basket 1 which is used in dishwashers and including a drawer 2 which slides on rails 3, 3'. The drawer is capable of holding utensils. Although the drawer 2 is positioned over the basket, there is no reason why the drawer could not be positioned underneath the basket as an alternative mechanical equivalent and a matter of design choice for one having ordinary skill in the art at the time of the invention.

The claims presented 11/21/11 do not overcome the 112 rejection by making the claims any clearer. The claims are still indefinite as to the structural relationship of the elements and their function. As pointed out above there is still insufficient antecedent basis for some of the elements claimed.

The examiner does not agree with applicants arguments regarding the prior art rejection. Applicant has argued what the references teach rather than the merits of the claims with respect to the teaching in the references.

Although the applicant has amended the claims in an effort to present the claims in a more favorable light for purposes of allowance, the claims are still not considered to overcome the rejection under 35 USC or under 35 USC 103. The present device is not considered patentable in view of the Hausgeraete reference as described above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834. The examiner can normally be reached on Monday -Thursday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell M. Jayne, can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sarah Purol/
Primary Examiner
AU 3637

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